

REMARKS

Claims 1-77 and 103 are currently pending in the present application. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

Election/Restrictions

The Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-22 directed to a method of managing an ATM; classified in Class 705, subclass 35.

II. Claims 23-44 and 103 directed to a method of managing an ATM; classified in Class 705, subclass 40.

III. Claims 45-65 directed to a system for managing an ATM; classified in Class 705, subclass 41.

IV. Claims 66-77 directed to a method of managing an ATM; classified in Class 705, subclass 45.

In response, Applicant elects, with traverse, to pursue the claims in Group I – Claims 1-22. Applicant disagrees with the Examiner's restriction requirement, at least with respect to Groups I, II, and III. Specifically, all four groups of claims relate to a system or method of managing an ATM, but the Examiner has indicated that each group is classified in a different subclass within Class 705.

The Examiner has selected the following subclasses for groups I - III:

Group I: Subclass 35 (Automated Electrical Financial or Business Practice or Management Arrangement / Finance (e.g., banking, investment or credit))

Subclass 35 includes patents related to "a computerized arrangement for planning the disposition or use of funds or securities, or extension of credit."

Group II: Subclass 40 (Automated Electrical Financial or Business Practice or Management Arrangement / Finance (e.g., banking, investment or credit) / Including Funds Transfer or Credit Transaction / Bill Distribution or Payment)

Subclass 40 includes patents related to subject matter drawn to "a computerized arrangement for generating notices of payment due, or transferring funds in response thereto."

Group III: Subclass 41 (Automated Electrical Financial or Business Practice or Management Arrangement / Finance (e.g., banking, investment or credit) / Including Funds Transfer or Credit Transaction / Having Programming of a Portable Memory Device (e.g., IC card, "electronic purse"))

Subclass 41 includes patents related to subject matter having "a user operated arrangement for programming an object having a value carrying memory (e.g., an ATM card) prior to use, with details of the desired transaction."

(1) Note. Such cards usually include an integrated circuit (IC) element, and are often referred to as "smart cards".

(2) Note. Included herein is a transaction specific card preprogramming arrangement.

The claims of Group II have been classified in subclass 40, which relates to bill payment. This subclass description does not seem to be proper with respect to the subject matter of the claims of Group II. Applicant believes that the Examiner would need to search subclass 35, which is the same subclass as Group I, when examining the claims of Group II based on the definition provided for subclass 35.

The claims of Group III have been classified in subclass 41, which relates to programming a portable memory device such as an IC card. This subclass description does not seem to be proper with respect to the subject matter of the claims of Group III. Applicant believes that the Examiner would need to search subclass 35, which is the same subclass as Group I, when examining the claims of Group III based on the definition provided for subclass 35.

Finally, as noted in M.P.E.P. § 803, "if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

Applicant respectfully contends that there will not be a serious burden placed on the Examiner if the restriction requirement between Groups I, II, and III is not required. According to PAIR, the Examiner has already searched Class 705, subclasses 35-45 when preparing the previous Office action of August 6, 2008.

Accordingly, Applicant respectfully requests withdrawal of the restriction requirement. Applicants reserve the right to prosecute the claims of the non-elected Group of the application in one or more divisional patent applications if the restriction requirement is upheld.

The undersigned is available during normal business hours if a telephone conversation would be helpful to advance prosecution in this application.

Respectfully submitted,

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